

## ARTICLE 41

### SEC. 21-41 PERFORMANCE STANDARDS.

**41.1 Purpose:** To establish performance standards to promote compatibility among various uses of land; protect and enhance the rural-resort character of the County; protect the health, safety, or welfare of the community; and control noise, dust, odor, smoke, vibration, danger to life and property, or similar causes likely to create a public nuisance. All uses permitted in Chapter 21 of the Lake County Code shall comply with all applicable performance standards of the base zoning district, combining district, and as set forth herein, except as provided in Section 41.3.

#### **41.2 Compliance procedures:**

- (a) The Planning Director may require pertinent information demonstrating that the proposed use will comply with all applicable performance standards prior to issuance of any ministerial or discretionary approval. This information may consist of a report prepared by a qualified technical consultant(s).
- (b) When technical information is required, accurate and representative measurements shall be made according to accepted engineering or scientific practice. Measurements shall be made at the exterior lot lines.

#### **41.3 Exceptions:**

- (a) Uses which are not in compliance with all applicable performance standards at the time of zoning clearance shall require a use permit. The Planning Director shall determine whether a minor or major use permit is required based on the specific characteristics of the proposed use in relationship to the applicable performance standard(s). A [major use permit](#) shall be required when the performance characteristics of the proposed use:
  - 1. Have the potential to significantly impact the environment; or
  - 2. Have the potential to create substantial public controversy; or
  - 3. Have the potential to injure the public health, safety or welfare.
- (b) The following agricultural uses are exempt from the provisions of Sections 41.6, 41.8, 41.9, 41.11 and 41.15: Livestock grazing, crop and tree farming; animal husbandry; apiaries; and aviaries.
- (c) The performance standards contained in the following Subsections are the required minimum. They shall not be construed as preventing the Review Authority, as part of any discretionary approval, to require more restrictive standards as deemed necessary.

**41.4 Air quality:** All uses shall comply with applicable local, state, and federal laws and regulations regarding contaminants and pollutants. This requirement includes, but is not

limited to, emissions of suspended particulates, carbon monoxide, hydrocarbons, odors, toxic or obnoxious gases and fumes.

**41.5 Electromagnetic interference:** Devices which generate electromagnetic interference shall be so operated as not to cause interference with any activity carried on beyond the boundary line of the property upon which the device is located. Public utilities shall comply with all applicable state and federal regulations. **(Ord. No. 1749, 7/7/1988)**

**41.6 Erosion control:** The following erosion control standards shall apply to all development projects in commercial or industrial zoning districts:

- (a) The smallest practical area of land shall be exposed at any one time during development.
- (b) When land is exposed during development, the exposure shall be kept to the shortest practical period of time.
- (c) Natural features such as trees, groves, natural terrain, waterways, and other similar resources shall be preserved where feasible.
- (d) Temporary vegetation and/or mulching shall be used to protect critical areas exposed during development.
- (e) The permanent final vegetation and structures shall be installed as soon as practical in the development.
- (f) Wherever feasible the development shall be fitted to the topography and soils to create the least erosion potential.
- (g) Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development.
- (h) Sediment basins (debris basins, desilting basins, or silt traps) shall be installed and maintained to remove sediment from runoff waters from land undergoing development where needed.

**41.7 Fire and explosion hazards:** All uses involving the use or storage of combustible, explosive, caustic or otherwise hazardous materials shall comply with all applicable local, state and federal safety standards and shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate fire-fighting and fire suppression equipment.

**41.8 Glare and heat:**

- (a) All exterior lighting accessory to any use shall be hooded, shielded or opaque. No unobstructed beam of light shall be directed beyond any exterior lot line. Buildings and structures under construction are exempt from this provision.

- (b) No use shall generate heat so that increased ambient air temperature or radiant heat is measurable at any exterior lot line.

#### **41.9 Landscaping standards:**

- (a) General: All undeveloped land areas shall be maintained in permanent vegetative cover, or alternatively be landscaped with a combination of materials to control runoff. All yards shall be landscaped such that there shall be no accumulation of silt, mud, or standing water causing unsightly or hazardous conditions, either within the yard or on adjacent properties, public roads, or sidewalks.
- (b) Standards of uses permitted in the “[R3](#)”, “[PDR](#)”, “[PDC](#)”, “[CH](#)”, “[CR](#)”, “[C1](#)”, “[C2](#)”, “[C3](#)”, “[M1](#)”, “[M2](#)”, and “[MP](#)” districts: The following recommended landscaping standards shall be required unless an alternative landscaping plan is approved or waived by the Review Authority which meets the intent of this Article.
  - 1. Minimum required landscaping per parcel: All development shall include an area or areas of the parcel for landscaping to serve as a visual screen and/or provide an increased aesthetic environment; except where street frontages are occupied by existing development.
  - 2. The front of the lot shall be landscaped with a minimum of a ten (10) foot wide planted area but not so as to obstruct traffic or reduce sight distance at any driveway or intersection, unless because of the location or design of existing development, or appropriate site planning would make adherence to this standard result in development inconsistent with the purposes of Subsection (b) 1 above, in which case, an alternative landscape plan may be approved by the Review Authority. The landscaping may be interrupted by building entrances or exits and driveways. (**Ord. No. 1749, 7/7/1988**)
  - 3. When abutting any residential district side yard:
    - i. The side of the lot shall be landscaped with a minimum of a five (5) foot wide planted area but not so as to obstruct traffic or reduce sight distance at any driveway or intersection; or
    - ii. A six (6) foot high wooden fence or masonry wall shall be constructed at the side lot line(s), but shall not exceed four (4) feet in height within any required front yard.
  - 4. When abutting any residential district rear yard:
    - i. The rear of the lot shall be landscaped with a minimum of a five (5) foot wide planted area when abutting any residential use or district; or

- ii. A six (6) foot high wooden fence or masonry wall shall be constructed at the rear lot line.
5. Where a parking lot contains ten (10) or more spaces and is visible from a street, not less than five (5) percent of the parking lot, excluding the area of the landscaped strip required by Subsection (b) 2 shall be landscaped. Such landscaping shall be distributed through the parking lot and shall not be concentrated in any one area. Landscaping shall be computed on the basis of the total amount of parking and driveways provided (except spaces provided for enclosed vehicle storage areas).
6. For landscaping required for parking lots in Subsection (b) 5 above, protective measures including but not limited to concrete curbing, railroad ties, or decorative rock shall border all landscaped area.
7. Existing or indigenous plant materials that meet the requirements of this section may be counted as contributing to the total landscaping required when located within the proposed use area.
8. Minimum plant size: Unless otherwise specifically indicated elsewhere all plant materials shall meet the following minimum standards as indicated in Table 9.1:

Table 9.1 Minimum plant size:

Plant material type	Planting in areas abutting residential property or street	All other plantings
Canopy tree		
Single stem	1 ½ inch caliper	1 ½ inch caliper
Multiple stem	10 feet (height)	6 feet (height)
Understory tree	1 ½ inch caliper	4 feet (height)
Evergreen tree	5 feet (height)	3 feet (height)
Shrubs		
Deciduous	5 gallon container	1 gallon container
Evergreen	5 gallon container	1 gallon container

(Note: plant sizes for indigenous species may be reduced upon approval of the Planning Director).

9. Irrigation required: All landscaping shall be provided with a drip irrigation system or in-ground sprinkler system. If all plant materials are indigenous or drought resident, a temporary or portable irrigation system may be provided. (**Ord. No. 1749, 7/7/1988**)
10. Plan required: A landscape plan, either as an overlay of the proposed site plan or a separate drawing, shall be submitted to the Planning Department for review and approval by the Development Review Committee. The following information shall be included in the plan:

- i. The location of all landscaped areas with the proposed shrubs, trees, and other plant materials clearly labeled with information on size, type, and spacing.
  - ii. The location of existing trees and shrubs, including any riparian vegetation, large oak trees, etc., and indicating those existing trees, shrubs, or other indigenous species that are to be included as part of the landscape plan.
  - iii. A description and layout of the proposed irrigation system.
  - iv. Any additional information or materials required by the Planning Director or Development Review Committee.
- 11. Final inspection: No use shall commence nor occupancy permit be issued (building finalized) until:
  - i. The landscape plan has been implemented and approved as required herein; or
  - ii. The applicant has entered into an agreement and posted bonding as required in Subsection (b)12 below for that portion or portion(s) of the landscaping plan determined incomplete. (**Ord. No. 1749, 7/7/1988**)
- 12. Bonding required (**Ord. No. 1749, 7/7/1988**):
  - i. Where the department determines that the applicant has failed to implement an approved landscape plan according to the provisions of Subsection (b)10 above, the applicant shall be required to enter into an improvement/maintenance agreement with the County Planning Department and provide financial assurance for completion of the required landscaping within one (1) year. The financial assurance may take the form of a certificate of deposit, letter of credit, bond, or other financial assurance acceptable to the Planning Director.
  - ii. Such financial assurance shall be set at one hundred fifty (150) percent of the costs necessary to cover all landscape improvements as indicated on the approved landscape plan; and
  - iii. Such agreement shall provide for maintenance of planting utilizing acceptable horticultural practices, and for replanting of new material where a required planting has not survived the first year after planting. (**Ord. No. 1749, 7/7/1988**)

#### 41.10 Liquid, solid and hazardous wastes:

- (a) All uses are prohibited from discharging liquid, solid, toxic or hazardous wastes onto or into the ground and into streams, lakes or rivers. Discharge into a public or private waste disposal system in compliance with applicable local, state, and federal laws and regulations is permitted.
- (b) Wastes detrimental to a public sewer system or a sewage treatment plant, shall not be discharged to a public sewer system unless they have been pretreated to the degree required by the authority having jurisdiction over the sewerage system.
- (c) The handling and storage of hazardous materials, the discharge of hazardous materials into the air and water; and disposal of hazardous waste in connection with all uses shall be in conformance with all applicable local, state and federal regulations.
- (d) All burning of waste materials accessory to any use shall be in compliance with the Lake County Air Pollution Control District rules and regulations.
- (e) The disposal or dumping of solid waste accessory to any use, including, but not limited to, slag, paper and fiber wastes, or other industrial wastes shall be in compliance with applicable local, state, and federal laws and regulations.

**41.11 Noise:** Maximum sound emissions for any use shall not exceed equivalent sound pressure levels in decibels, A-Weighted Scale, for any one (1) hour as stipulated in Table 11.1. These maximums are applicable beyond any property lines of the property containing the noise. (Note: Equivalent sound pressure level (Leq) is a measure of the sound level for any one (1) hour. It is the energy average of all the various sounds emitted from the source during the hour. A-Weighted Scale is used to adjust sound measurements to simulate the sensitivity of the human ear.)

Table 11.1 Maximum one-hour equivalent sound pressure levels (A-Weighted - dBA).

Time of Day	Receiving Property Zoning District		
	Residential*	Commercial	Industrial
7 am - 10 pm	55	60	65
10 pm - 7 am	45	55	60

\*Note: The Residential category also includes all agricultural and resource zoning districts.

- (a) In the event the receiving property or receptor is a dwelling, hospital, school, library or nursing home, even though it may be otherwise zoned for commercial or industrial and related uses, maximum one-hour equivalent sound pressure received shall be as indicated in Table 11.2.

Table 11.2 Maximum one-hour equivalent sound pressure levels (A-Weighted - dBA).

<u>Time of Day</u>	<u>Level</u>
7 am - 10 pm	57
10 pm - 7 am	50

- (b) Noises of short duration: For noises of short duration or impulsive character, such as hammering, maximum one-hour sound pressure levels permitted beyond the property of origin shall be seven decibels less than those listed in Table 11.2 above.
- (c) Noises of unusual periodic character: For noises of unusual periodic character, such as humming, screeching, and pure tones, the median octave band sound pressure levels as indicated in Table 11.3 shall not be exceeded beyond the property of origin when the receiving property is zoned residential or is occupied by a dwelling, hospital, school, library, or nursing home.

Table 11.3 Median octave band sound pressure levels.

<u>Octave Band Center Frequency, Hz</u>	<u>7 am - 10 pm</u>	<u>10 pm - 7 am</u>
31.5	68	65
63	65	62
125	61	56
250	55	50
500	52	46
1,000	49	43
2,000	46	40
4,000	43	37
8,000	40	34

- (d) Additional allowance: When the receiving property is zoned commercial or industrial and is not a dwelling, hospital, school, library, or nursing home, an additional sound decibel emission above the pressure levels specified in Table 11.3 above shall be permitted as indicated in Table 11.4.

Table 11.4 Additional allowance.

<u>Receiving Property Zone</u>	<u>Additional Decibels Allowed</u>
Commercial	5
Industrial	10

- (e) Exemptions: Local noise standards set forth in this Section do not apply to the following situations and sources of noise provided standard, reasonable practices are being followed:
1. Emergency equipment operated on an irregular or unscheduled basis.
  2. Warning devices operated continuously for no more than five (5) minutes.
  3. Bells, chimes, or carillons.
  4. Non-electronically amplified sounds at sporting, amusement, and entertainment events.
  5. Construction site sounds between 7:00 am and 7:00 pm.
  6. Lawn and plant care machinery fitted with correctly functioning sound suppression equipment and operated between 7:00 am and 8:00 pm.
  7. Aircraft when subject to federal or state regulations.
  8. Agricultural equipment when operated on property zoned for agricultural activities.
- (f) Exceptions: Upon written application from the owner or operator of an industrial or commercial noise source, the Zoning Administrator or Planning Commission, as part of a use permit approval, may conditionally authorize exceptions to local noise emission standards in the following situations:
1. Infrequent noise.
  2. Noise levels at or anywhere beyond the property lines of the property of origin when exceeded by an exempt noise, as listed in Section (e) above, in the same location.
  3. If after applying Best Available Control Technology (BACT), a use existing prior to the effective date of this ordinance is unable to conform to the standards established by this section.

#### **41.12 Open and outdoor storage, sales and display:**

- (a) General: Outdoor storage in any district shall be maintained in an orderly manner and shall not create a fire, safety, health or sanitary hazard. **(Ord. No. 1749, 7/7/1988)**
- (b) Standards for uses permitted in the “[APZ](#)”, “[A](#)”, “[TPZ](#)”, “[RL](#)”, “[RR](#)”, “[SR](#)”, “[R1](#)”, “[R2](#)”, “[R3](#)”, “[U](#)” and “[PDR](#)” districts:



1. Except for farm products, supplies or equipment when incidental to a working farm or ranch, construction materials during authorized construction, or firewood; outdoor storage of materials, including but not limited to junk, construction materials, scrap metal, wood, petroleum-based materials or products, paper products, waste or trash materials on parcels of one (1) acre or less shall not exceed an aggregate area of one hundred (100) square feet per lot, or on parcels larger than one (1) acre, four hundred (400) square feet of aggregate area. On parcels of five (5) acres or more in the “[RR](#)”, “[RL](#)”, “[TPZ](#)”, “[A](#)” and “[APZ](#)” districts, six hundred (600) square feet of aggregate area is permitted. This performance standard does not prohibit the enclosed storage of similar materials in a building of up to two thousand (2,000) square feet in area. **(Ord. No. 1749, 7/7/1988; Ord. No. 1974, 12/20/1990)**
2. Except for farm supplies and products, firewood, boats, farm equipment and unstacked automotive vehicles, open or outdoor storage shall be limited to a height of six (6) feet.
3. Except for farm products, supplies, or equipment; construction materials during authorized construction; or firewood for personal consumption on the premises, outdoor storage shall be completely screened from public view from all exterior property lines and any public roadway within one-half (1/2) mile of the open storage area by the use of sight obscuring fences, hedges, or other measures determined to be effective by the Planning Director. Securely fastened tarps may be utilized for screening of open storage areas of one hundred (100) square feet or less.

On parcels of five (5) acres or more, open storage areas shall not be maintained closer than seventy-five (75) feet from any property line. On parcels of less than five (5) acres, open storage areas when not completely enclosed by solid fencing shall have a minimum setback from any property line of a distance of not less than twenty (20) percent of the lot width. **(Ord. No. 1749, 7/7/1988)**
4. There shall be no outdoor storage in any required front yard in the case of interior lot, or required street-side setback area in the case of corner lot, or in an area three (3) feet wide along one (1) side lot line; and there shall be no outdoor storage in any front yard in any “[SR](#)”, “[R1](#)”, “[R2](#)”, or “[R3](#)” district. **(Ord. No. 1749, 7/7/1988)**
5. In addition to the outdoor storage permitted in Subsection (b)1 above, the open and outdoor storage of inoperable motor vehicles shall be limited to the following: **(Ord. No. 1749, 7/7/1988)**
  - i. The open storage of one (1) inoperable motor vehicle per lot in any “[RR](#)”, “[RL](#)”, “[A](#)”, “[APZ](#)”, or “[TPZ](#)” district. This does not include a Public Nuisance Vehicle as defined in Section 13-13.1(f) of Chapter 13 of the Lake County Code. **(Ord. No. 1749, 7/7/1988; Ord. No. 2618, 2/27/2003)**

- ii. The indoor or outdoor storage of inoperable motor vehicles, subject to first obtaining a minor use permit for a “collector permit” pursuant to [Section 21-27.11\(ak\)](#) in any “[APZ](#)”, “[A](#)”, “[RL](#)”, “[RR](#)”, “[SR](#)”, “[R1](#)”, “[R2](#)”, “[R3](#)”, “[C3](#)”, “[M1](#)” or “[M2](#)” district. (Ord. No. 1749, 7/7/1988; Ord. No. 2618, 2/27/2003)
- 6. The open storage of any inoperable motor vehicle is prohibited in the “[U](#)”, “[SR](#)”, “[R1](#)”, “[R2](#)”, “[R3](#)” or “[PDR](#)” district. (Ord. No. 2618, 2/27/2003)
- (c) Standards for uses permitted in any “[C1](#)”, “[C2](#)”, “[C3](#)”, “[CR](#)”, “[CH](#)”, “[M1](#)”, “[M2](#)”, “[MP](#)” or “[PDC](#)” district: (Ord. No. 1897, 12/7/1989)
  - 1. No outdoor storage of materials or equipment shall be permitted in the following areas: Required front yards, off-street parking and loading areas, driveways, landscaped areas, or street right-of-ways.
  - 2. Open and outdoor storage and operation yards (work areas) of an interior lot shall be confined to the area to the rear of a line which is the extension of the front wall of the principal building and shall be screened from view from any street by appropriate walls, fencing, earthen mounds or landscaping as approved in the required landscaping plan. Storage or operation yards on a corner or through lot shall be subject to approval of the Development Review Committee.
  - 3. Open and outdoor storage of materials or products, except for trucks and other vehicles necessary for the operation, shall not exceed a height of eight (8) feet.
  - 4. Open and outdoor storage shall be located so as not to constitute a hazard to adjacent buildings or property and shall not exceed six (6) feet in height when within ten (10) feet of side or rear property lines.
  - 5. Exterior trash and storage areas, service yards, and electrical utility boxes shall be screened from view of all nearby streets and adjacent structures in a manner that is compatible with the building design. Smaller areas near the building shall be screened with a wall of the same construction as the building wall. Larger areas shall be screened by a solid six (6) foot high fence. Chain-link fencing shall be permitted only when accompanied by heavy landscaping which will grow to screen the fence in three (3) years. Provisions for adequate vehicular access to and from trash, garbage or refuse areas shall be provided.

**41.13 Radioactivity:** No radiation of any kind shall be emitted in quantities which are dangerous to humans.

- 41.14 REPEALED.** (Ord. No. 1749, 7/7/1988; Ord. No. 2128, 1/14/1993; Ord. No. 2202, 11/25/1993)
- 41.15 Vibrations:** No use shall generate ground vibration which is perceptible without instruments beyond the lot line. Ground vibrations caused by motor vehicles, aircraft, temporary construction work, or agricultural equipment are exempt from these standards.
- 41.16 Commercial Coach - Mobile homes:** Shall only be permitted as permanent offices in the “[C3](#)” and “[M2](#)” districts. Commercial coach-mobile homes are permitted as temporary uses as provided for in [Sections 27.2\(q\), \(r\) and \(s\)](#). (Ord. No. 1749, 7/7/1988)
- 41.17 Restrooms:** Restrooms open for public use shall be provided by all retail sales, entertainment or open-to-public recreational uses when gross building floor area exceeds three thousand (3,000) square feet in area per use, and for all retail fuel sales uses. Restrooms shall meet the occupant load factors, accessibility and plumbing facilities regulations of the Uniform Plumbing and Building Codes as amended. The availability and/or location of restrooms shall be noticed by signing when restroom facilities are not readily visible to the public. (Ord. No. 1749, 7/7/1988; Ord. No. 1897, 12/7/1989)
- 41.18 Marijuana Cultivation and/or Processing:**
- (a) Outdoor cultivation of medical marijuana is prohibited within any mobilehome park, which is defined as a mobilehome park by [Section 21-43.3\(i\)](#) of this Chapter, unless cultivated within a designated garden area that has been set aside by park management, or cultivated on a mobilehome park lease lot that exceeds 4,500 square feet. In such cases, cultivation amounts shall be limited to that amount of medical marijuana that may be cultivated on those premises in compliance with any then-existing County ordinance regulating marijuana cultivation locations and amounts.
  - (b) Cultivation of medical marijuana is prohibited within any property that is improved with multi-family dwellings, as defined by [Section 68.3\(d\) 15](#) of this Chapter.
  - (c) Processing of medical marijuana, including but not limited to drying, trimming, weighing, packaging, and storing for later distribution, shall be limited to that amount of medical marijuana that may be cultivated on those premises in compliance with any then-existing County ordinance regulating marijuana cultivation locations and amounts. (Ord. No. 2984, 02/19/2013)